

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

AVRAHAM EISENBERG,

Plaintiff,

v.

NUMERIS LTD.; SASHA IVANOV; and
DOES 1-10,

Defendants.

Civil Action No. 3:22-cv-01325

**PLAINTIFF’S SUBMISSION IN RESPONSE TO
ORDER FILED APRIL 16, 2024**

Plaintiff Avraham Eisenberg respectfully submits this response to the Court’s Order, filed April 16, 2024, requesting information as to what actions have been taken to diligently prosecute the above-captioned action without delay. For the reasons set forth below, Plaintiff maintains that he has prosecuted this action to the most diligent extent possible given the substantial obstacles he has encountered since commencing the litigation, which include (i) Defendants’ repeated evasion of service of process; and (ii) Plaintiff’s confinement in federal custody since December 27, 2022. Plaintiff’s criminal proceedings are expected to conclude within the next several weeks, after which Plaintiff will likely be released from custody and be able to continue prosecuting this case aggressively.

ARGUMENT & AUTHORITIES

Plaintiff filed the Complaint in this Action on July 6, 2022, alleging that Defendants improperly used mechanisms related to blockchain and associated trading platforms, causing

him to suffer damages in excess of \$14 million. From commencement of the action through March 2023, Plaintiff filed multiple motions with the Court, directed not only to facilitating service of process on Defendants (who, as set forth in various motions, appeared to be actively evading service), but also to restricting Defendants' ability to dissipate Plaintiff's funds. Indeed, as recently as March 2023, this Court recognized the difficulties encountered by Plaintiff in serving defendants through no fault of his own, granting his motion to extend time for service of process. *See ECF Nos. 36, 38*. Despite these evasion efforts, Plaintiff succeeded in serving a summons and complaint on defendant Corbital LLC on March 1, 2023, yet Corbital has failed to answer the complaint. *See ECF Nos. 39, 40*.

Unfortunately, Plaintiff has been frustrated in his ability to prosecute this action due to his confinement in federal custody since December 27, 2022, where he has been awaiting trial in the matter entitled *USA v. Eisenberg*, Case No. 1:23-cr-00010-AS, which is currently pending in the United States District Court for the Southern District of New York. Plaintiff's confinement has rendered contact with his attorneys increasingly difficult, especially as his trial has approached and he has been forced to focus exclusively on his defense. Nevertheless, trial finally commenced in early April 2024, and is expected to last no more than four weeks. Once the trial has concluded, Plaintiff intends to resume prosecuting this matter aggressively to resolution. Therefore, Plaintiff respectfully requests counsel be permitted to notify the Court upon the conclusion of the trial, and that the Court schedule a status conference 60 days thereafter, at which time counsel will be in a better position to address scheduling matters.

CONCLUSION

For these reasons, Plaintiff Eisenberg respectfully requests that this Court (i) calendar a scheduling conference for a date no earlier than 60 days from the conclusion of the trial in the matter entitled *USA v. Eisenberg*, Case No. 1:23-cre-00010-AS, and (ii) grant such other and further relief as the Court deems just and proper.

April 18, 2024

Respectfully submitted,

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**COUNSEL FOR PLAINTIFF
AVRAHAM EISENBERG**

Certificate of Service

I certify that on April 18, 2024, the foregoing document has been filed with the Clerk via the Court's CM/ECF system and served on all counsel of record who are deemed to have consented to electronic service per Rule 5(b) and LR 5(b).

By: James H. Creedon
James H. Creedon